

IN RE: PETITION FOR ZONING VARIANCE
W/S Ruxway Road, 218' S
of Springway Road
7922 Ruxway Road
9th Election District
4th Councilmanic District
Cynthia B. Sothern
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-521-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1B02.3.A.3 and 1B02.3.C.1 to allow a (garage) minimum side yard setback of 0 feet in lieu of the required 10 feet, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Cynthia Sothern, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 7922 Ruxway Road, consists of .28 acres +/-, zoned D.R.3.5 and is currently improved with a two story single family dwelling.

The Petitioner testified that she is desirous of constructing a one car garage on the north side of her home with a master bedroom above as indicated on Petitioner's Exhibit No.1.

The Petitioner testified that, in view of the layout of her house, the requested location for the garage is the only practical placement on the lot. The Petitioner also testified that she has advised her neighbors of her proposal and they have no objection to same.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 1990 that the Petition for a Zoning Variance to permit a minimum side yard setback of 0 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the subject addition to be converted to a second dwelling unit and/or apartment.
3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection

-2-

of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 18, 1990

Ms. Cynthia B. Sothern
7922 Ruxway Road
Ruxton, Maryland 21204

RE: Petition for Zoning Variance
Case No. 90-521-A

Dear Ms. Sothern:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm

cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-521-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.A.3 and 1B02.3.C.1 to allow a minimum side yard setback of 0' in lieu of the required 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
It is my desire to add a garage attached to my house on the North side with an addition to the existing master bedroom on the second floor.

The hardship and practical difficulty I face with this is that, due to the following circumstances, the North side is the only location on the property where this addition can be placed.
(Can't on back)

Properly is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Cynthia B. Sothern
(Type or Print Name)
Signature: [Signature]
Address: 7922 Ruxway Road
City and State: Ruxton, Md. 21204
Attorney for Petitioner: [Signature]
(Type or Print Name)
Address: 7922 Ruxway Road
City and State: Ruxton, Md. 21204
Attorney's Telephone No.: 494-0938
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Cynthia B. Sothern
7922 Ruxway Road
494-0938

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of July, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of July, 1990, at 10 o'clock

ESTIMATED LENGTH OF HEARING: 1/2 hr.
J. Robert Haines
Zoning Commissioner of Baltimore County

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of July, 1990, that the hereto Petition for Variance(s) to permit

* A garage should logically be placed where one can enter the house into the kitchen. My kitchen is located on this North side. The entry way is existing and the traffic pattern in the house has already been established. The living room runs the full length of the South side of the house. This would not be a desirable entry from a garage even if there were no other obstacles on this side.

The master bedroom is located directly above the kitchen making plumbing readily accessible for an additional bathroom on the second floor. There is an existing family room extension off the kitchen making this proposed second floor space also readily available for the enlargement of the master bedroom area.

The driveway is existing on the North side which would lead directly into the proposed garage. Relocating the driveway would not only be impractical and costly but almost impossible as on the South side there is a row of eleven 150' Norwegian pine trees which are not able to be moved or cut down without destroying privacy and shade. Additionally, a deck wraps around the entire back of the house to the side off the living room and any garage would have to be detached which would not serve my purposes.

There is no room in the back of the house as there is another huge Norwegian pine tree encompassing 50% of the back yard, leaving very little grassy yard area. This tree as with the others, cannot be removed as it is too big and provides needed privacy and shade.

In summary, because of the existing interior layout of the house, the layout of the house on the property, the existing trees, the existing driveway and my changing needs, the North side of the house is the only place where I can locate this garage and second floor addition.

Phone: 687-4922

FRANK S. LEE
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

April 17, 1990

No. 7922 Ruxway Road
9th District Baltimore County, Maryland

Beginning for the same on the west side of Ruxway Road at the distance of 218 feet more or less measured southeasterly along the curve of Ruxway Road from the intersection of Ruxway and Springway Roads, thence running and bidding on Ruxway Road as follows: by a line curving to the right with a radius of 145 feet for a distance of 22.77 feet, and South 6 degrees 51 minutes 25 seconds West 67.23 feet, thence leaving Ruxway Road for three lines of division as follows: North 83 degrees 08 minutes 35 seconds West 149.37 feet, North 10 degrees 49 minutes 09 seconds East 78.59 feet and South 87 degrees 46 minutes 27 seconds East 142.64 feet to the place of beginning.

Containing 0.28 acres of land more or less,
Being part of Lot 33, Plat No. 2, Ruxwood, 18/4.



CERTIFICATE OF PUBLICATION

TOWSON, MD., July 6, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 14, 1990.

TOWSON TIMES,

S. Zeke Olson
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 6, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 14, 1990.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

receipt
No 2309

Date: 4/27/90

Account: R-001-6150
Number: H9000377

| | QTY | PRICE |
|-----------------------------|-----|---------|
| PUBLIC HEARING FEES | 1 X | \$35.00 |
| 010 - ZONING VARIANCE (IRL) | 1 X | \$35.00 |
| TOTAL: | | \$70.00 |

LAST NAME OF OWNER: SOTHERN

8 8 012*****3500 3276F

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-521-A

District: 9th
Date of Posting: 4/28/90

Posted for: Variance

Petitioner: Cynthia B. Sothern

Location of property: 7822 Runway Rd., 218' S Springway Rd.

Location of sign: 7822 Runway Rd., approx. 2' from 7822 Runway Rd.

Remarks: Property of Baltimore County

Posted by: J. Robert Haines

Date of return: 6/28/90

Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

receipt
No 2936

Date: 7/12/90

Account: R-001-6150
Number: M9100020

| | QTY | PRICE |
|-----------------------------------|-----|----------|
| PUBLIC HEARING FEES | 1 X | \$122.29 |
| 080 - POSTING SIGNS / ADVERTISING | 1 X | \$122.29 |
| TOTAL: | | \$244.58 |

LAST NAME OF OWNER: SOTHERN

04404#00031KICHRG
EA C002:03P007-12-90 \$122.29

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 7/6/99

Cynthia B. Sothern
7822 Runway Road
Ruxton, Maryland 21204

Re: Petition for Zoning Variance
CASE NUMBER: 90-521-A
W/S Runway Road, 218' S Springway Road
7822 Runway Road
9th Election District - 4th Councilmanic
Petitioner(s): Cynthia B. Sothern
HEARING: THURSDAY, JULY 12, 1990 at 2:00 p.m.

Dear Petitioner:

Please be advised that \$ 122.96 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 211 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRHigs
cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 23, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-521-A
W/S Runway Road, 218' S Springway Road
7822 Runway Road
9th Election District - 4th Councilmanic
Petitioner(s): Cynthia B. Sothern
HEARING: THURSDAY, JULY 12, 1990 at 2:00 p.m.

Variance to allow a minimum side yard setback of 0 ft. in lieu of the required 10 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Cynthia B. Sothern

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 22, 1990

Ms. Cynthia B. Sothern
7822 Runway Road
Ruxton, MD 21204

Dennis F. Rasmussen
County Executive

RE: Item No. 377, Case No. 90-521-A
Petitioner: Cynthia B. Sothern
Petition for Zoning Variance

Dear Ms. Sothern:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 16th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Cynthia B. Sothern
Petitioner's Attorney:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

May 24, 1990

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 353, 361, 373, 374, 375, 376, 377, 378 and 379.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
MAY 25 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 14, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Cynthia B. Sothern, Item No. 377

The Petitioner requests a Variance to side yard setback requirements in order to construct a garage.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

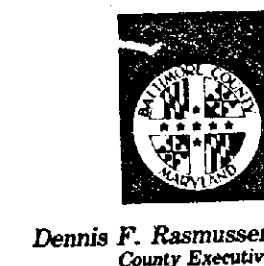
PK/JL/cmm

Baltimore County
Fire Department
790 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(410) 887-4500

Paul H. Reincke
Chief

MAY 10, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



RE: Property Owner: CYNTHIA B. SOTHERN
Location: #7922 RUXWAY ROAD
Item No.: 377 Zoning Agenda: MAY 15, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* 5-10-90 Noted and Approved
Planning/Group Fire Prevention Bureau
Special Inspection Division

CR/REK

MAY 10 1990

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 24, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 15, 1990

The Developers Engineering Division has reviewed the subject zoning item and we have no comments for Items 353, 361, 374, 377 and 379.

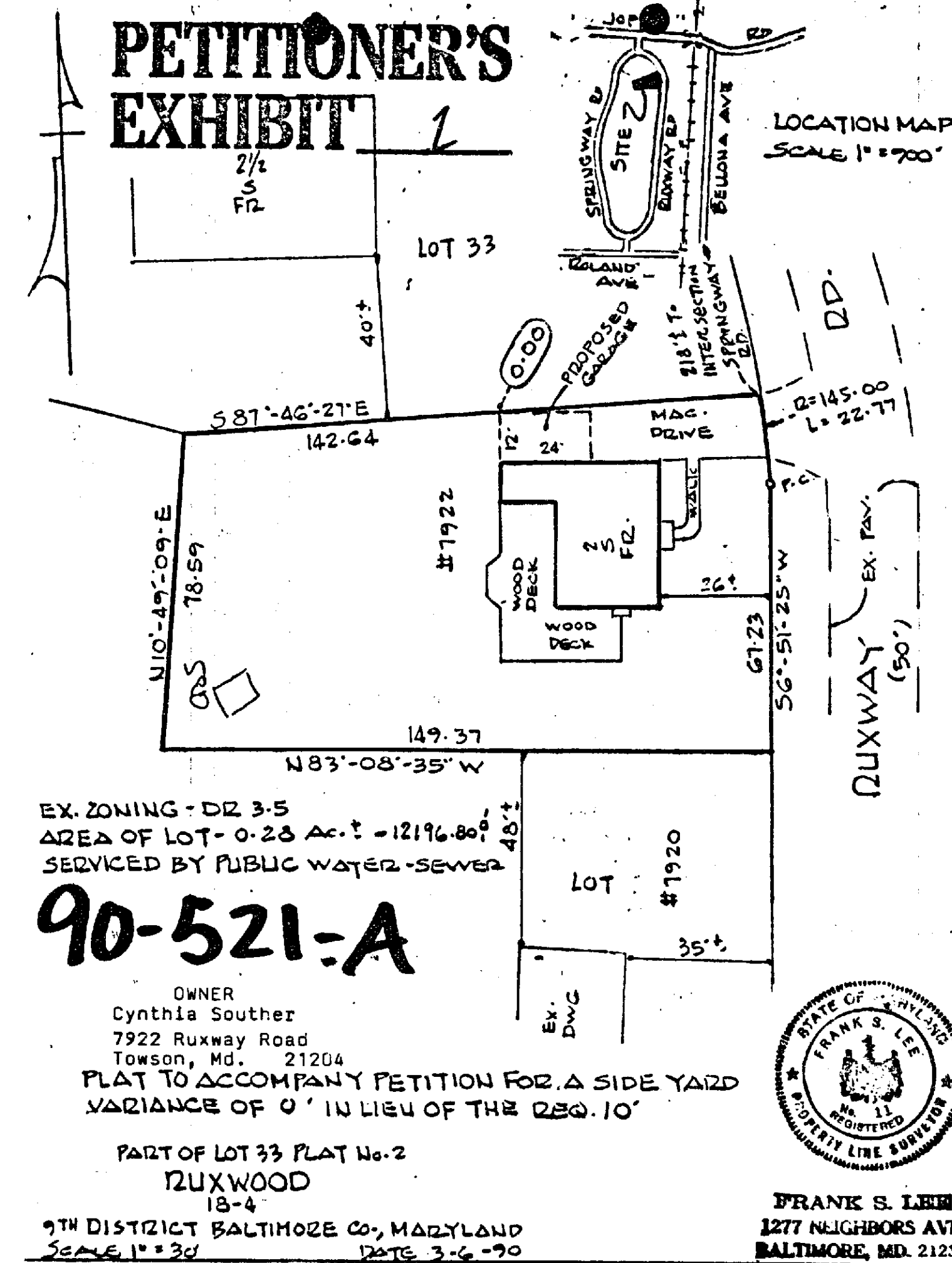
For Items 375 and 376, the previous County Review Group Comments still apply.

For Item 373, the shed shown in the easement is acceptable if not permanent (on a concrete base).

For Item 378, the lot is parallelogram. If the house is not built square to the side lot lines, the northern-most corner of the house will have much less than a 10-foot side yard.

Robert W. Bowling, P.E.
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s



To Whom It May Concern:

We are aware that Cynthia Sothern has applied for a zoning variance for the purpose of building a garage and second floor addition to her home.

We have known Cynthia since she bought her home more than six years ago and since that time she has made many improvements to her land and the house. These improvements have not only increased the value of her home but also the value and appearance of our neighborhood.

We are definitely in favor of any further improvements she wishes to make to her property.

Sincerely,
[Signature]
Susan Pappas
George and Susan Pappas
7916 Ruxway Road
Ruxton, Md.

PETITIONER'S
EXHIBIT 2

90-521A

June 28, 1990

To Whom It May Concern:

We are aware that Cynthia Sothern has applied for a zoning variance for the purpose of building a garage and second floor addition to her home.

We have known Cynthia since she bought her home more than six years ago and since that time she has made many improvements to her land and the house. These improvements have not only increased the value of her home but also the value and appearance of our neighborhood.

We are definitely in favor of any further improvements she wishes to make to her property.

Sincerely,
[Signature]
Edwin and Winifred Morris
Edwin and Winifred Morris
7927 Ruxway Road
Ruxton, Md. 21204

PETITIONER'S
EXHIBIT 3

90-521A

June 28, 1990

To Whom It May Concern:

We are aware that Cynthia Sothern has applied for a zoning variance for the purpose of building a garage and second floor addition to her home.

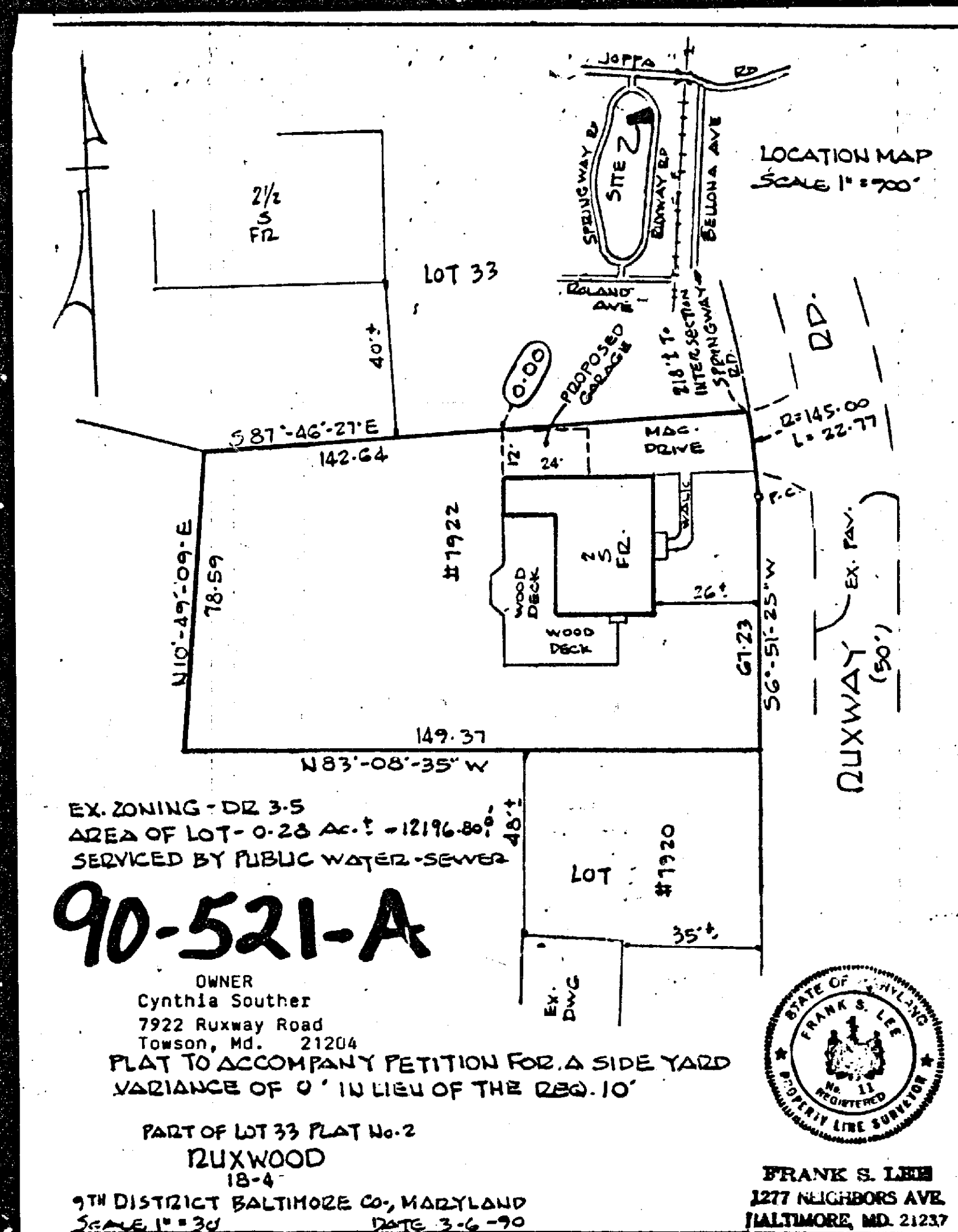
We have known Cynthia since she bought her home more than six years ago and since that time she has made many improvements to her land and the house. These improvements have not only increased the value of her home but also the value and appearance of our neighborhood.

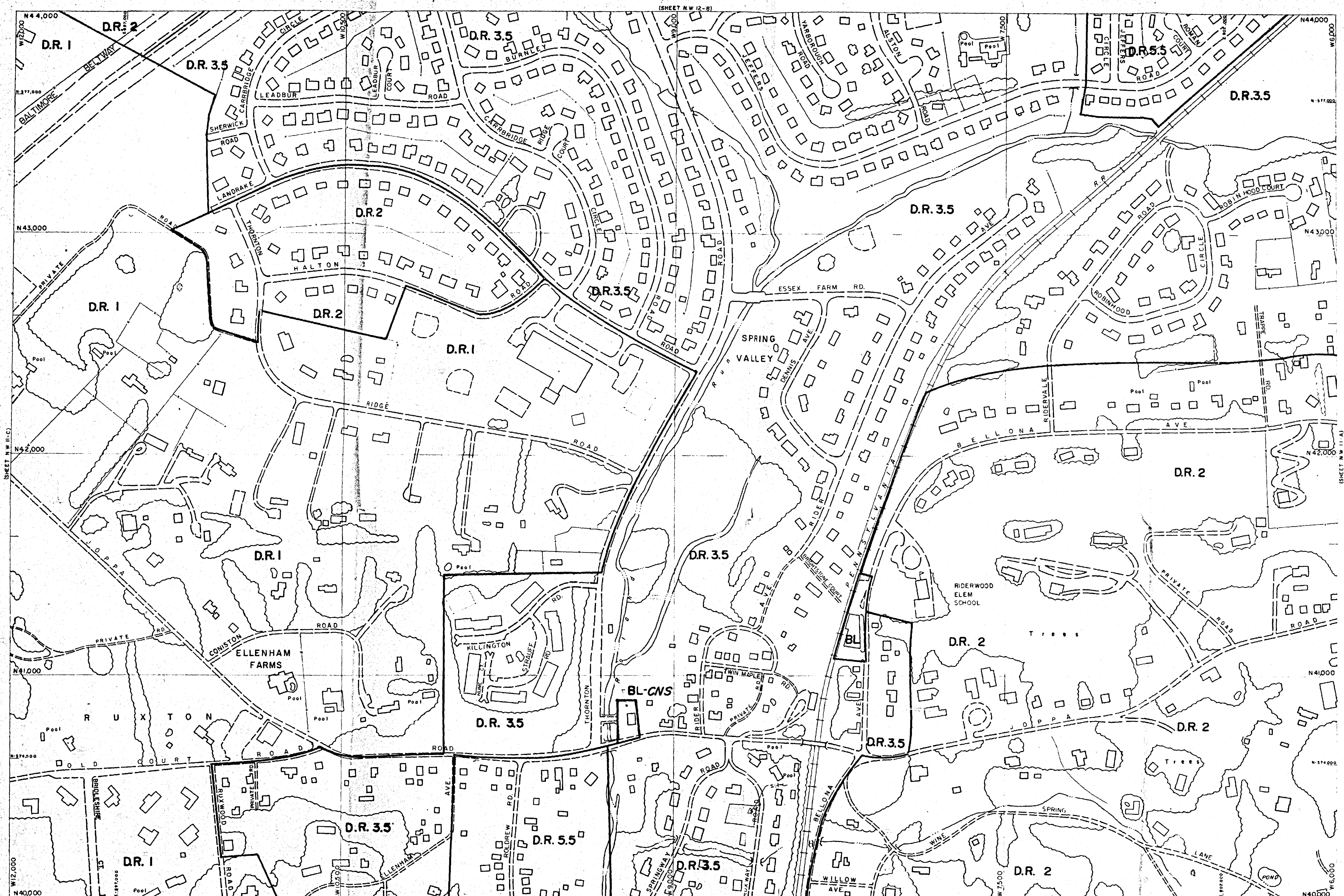
We are definitely in favor of any further improvements she wishes to make to her property.

Sincerely,
[Signature]
Edward and Virginia Johnson
Edward and Virginia Johnson
7920 Ruxway Road
Ruxton, Md.

PETITIONER'S
EXHIBIT 4

90-521A





S-SE
O-NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
BMC Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

[Signature]
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

RIDERWOOD

SHEET

N. W.
11 - B.

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

90-521-A 377